

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL FOX,
Plaintiff,
v.
ERNEST ZEIGLER,
Defendant.

Case No. 1:20-cv-00290-JLT-CDB (PC)

ORDER CONSTRUING PLAINTIFF'S
MOTION TO MOVE TO JUDGMENT AS
MOTION FOR STATUS UPDATE AND
GRANTING REQUEST

(Doc. 62)

Plaintiff Michael Fox is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed under 42 U.S.C. § 1983.

On March 24, 2023, Plaintiff filed a motion to move this case to judgment, advising that he had submitted a settlement offer to counsel for the Defendant. (Doc. 62.) Counsel rejected the settlement offer because the motion for summary judgment, (Doc. 38), remains pending. (Doc. 62 at 4.) Construing the pleading liberally, Plaintiff appears to request that the Court rule on the motion for summary judgment so that the parties can reach a fair settlement. (*Id.* at 2.)

Plaintiff is advised that the Eastern District is one of the busiest courts in the country and remains under a judicial emergency. Plaintiff is further informed that the matter has been referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Because of judicial vacancies, different district judges and magistrate judges have been assigned to this case. The current magistrate judge was assigned to this action in October 2022,

1 immediately following his appointment to the position. Defendant's motion for summary
2 judgment will be resolved as soon as is practicable given the Court's extraordinary workload.

3 Accordingly, it is hereby ORDERED that Plaintiff's motion to move to judgment, (Doc.
4 62), construed as a motion for a status update, is GRANTED.

5 IT IS SO ORDERED.

6 Dated: March 30, 2023

7 
UNITED STATES MAGISTRATE JUDGE